



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
US ARMY INSTALLATION MANAGEMENT COMMAND
HEADQUARTERS, UNITED STATES ARMY GARRISON, FT BRAGG
2175 REILLY ROAD, STOP A
FORT BRAGG, NORTH CAROLINA 28310-5000

IMSE-BRG-EEO

15 July 2008

MEMORANDUM FOR DISTRIBUTION

SUBJECT: Equal Employment Opportunities Reasonable
Accommodations for Individuals with Disabilities

1. References:

a. US Army Installation Management Command-Southeast Region (IMCOM-SER), Equal Employment Opportunities Reasonable Accommodations for Individuals with Disabilities, 1 April 2008.

b. 29 U.S.C. 791, The Rehabilitation Act of 1973, as amended;

c. EEOC Policy guidance on Executive Order 13164; Establishing Procedures to Facilitate the Provision of Reasonable Accommodation, 20 October 2000;

d. EEOC Management Directive (MD 715), 1 October 2003.

2. This memorandum forwards the guidance from US Army Installation Management Command-Southeast Region, Equal Employment Opportunities Reasonable Accommodations for Individuals with Disabilities dated 1 April 2008.

3. The Installation Management Command, Headquarters, United States Army Garrison, Fort Bragg is committed to the fair and equal employment of individuals with disabilities. Reasonable accommodation is the key to this non-discrimination policy. While many individuals with disabilities can work without accommodation, other qualified applicants and employees may face barriers to employment without the accommodation process.

4. It is the policy of the Installation Management Command, Headquarters, United States Army Garrison, Fort Bragg to reasonably accommodate qualified individuals with disabilities

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unless the accommodation would impose an undue hardship. In accordance with the references, accommodations will be provided to qualified individuals with disabilities when such accommodations are directly related to performing the essential functions of a job, competing for a job, or to enjoy equal benefits and privileges of employment. This policy applies to all applicants, employees, and employees seeking promotional opportunities.

5. The enclosed guidance is applicable to all organizational elements and activities that receive operational support from EEO, Installation Management Command, Headquarters, United States Army Garrison, Fort Bragg.

6. Point of contact is the Program Manager for Individuals with Disabilities (910) 396-5214.

2 Encls

1. IMCOM-SER Reasonable
Accommodation Policy
2. IMCOM,USAG-Fort Bragg
Reasonable Accommodation
Flow Chart



DAVID G. FOX
Colonel, Special Forces
Garrison Commander

DISTRIBUTION:

C, D, E (Less Pope AFB)

Department of the Army

IMCOM-SE Memorandum 690-1

US Army Installation Management Command-Southeast Region

1593 Hardee Avenue, SW.

Fort McPherson, Georgia 30330-1057

1 April 2008

Civilian Personnel

Equal Employment Opportunities Reasonable Accommodations for Individuals with Disabilities

History. This is the initial publication of this guidance memorandum.

Summary. This memorandum establishes guidance, procedures and processes for administering the reasonable accommodations for individuals with disabilities program.

Applicability. This guidance applies to all civilian appropriated and non-appropriated fund employees, including those on temporary or term appointments.

Proponent and exception authority. The proponent for this guidance memorandum is Chief, Equal Employment Opportunity, Installation Management Command-Southeast Region.

Suggested Improvements. The proponent of this guidance is the Equal Employment Opportunity Office, Installation Management Command-Southeast Region. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to Commander, IMCOM-SE (IMSE-EEO), 1593 Hardee Avenue, SW, Fort McPherson, Georgia 30330-1057.

DISTRIBUTION. This memorandum is available in electronic media only and is intended for Installation Management Command-Southeast Region Garrisons. Point of contact will be the SER Disabilities Program Manager, Ms. Joyce Martin at 404-464-0159, or email: joyce.martin@forscom.army.mil.

CONTENTS

PURPOSE.....	1-2	2
APPLICABILITY.....	2-2	2
AUTHORITY.....	3-2	2
REFERENCES.....	4-2	2
DEFINITIONS.....	5-3	3

RESPONSIBILITIES.....	6-5	5
PROCEDURES.....	7-6	6

Appendices

A. Confirmation of Request for RA.....	17
B. Medication Documentation.....	18
C. Denial of RA Request.....	19
D. RA Information Reporting Form.....	21

1. PURPOSE. These procedural requirements provide guidance for the implementation of References a through f, as identified below.

2. APPLICABILITY. This guidance is applicable to all organizational elements and activities that receive EEO operational support from the US Army Garrison EEO offices.

3. AUTHORITY.

a. 29 U.S.C 791 Section 501, 504 and 508 of the Rehabilitation Act of 1973, as amended;

b. Department of Defense Directive 1440.1, The DoD Civilian Equal Employment Opportunity (EEO) Program, 21 May 1987 (Certified Current as of 21 November 2003);

c. Army Regulation 690-12, Equal Employment Opportunity and Affirmative Action, 4 March 1988; and

d. Executive Order 13164 of 26 July 2000, "Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation."

4. REFERENCES.

a. 29 U.S.C. 791, The Rehabilitation Act of 1973, as amended;

b. The Americans with Disabilities Act of 1990, Titles I and V, as amended;

c. EEOC Policy guidance on Executive Order 13164: Establishing Procedures to Facilitate the Provision of Reasonable Accommodation dated 20 October 2000;

d. EEOC Enforcement Guidance: Reasonable Accommodation and Undue hardship Under the Americans with Disabilities Act, October 2002;

e. EEOC Enforcement Guidance: Disability-Related Inquiries and Medical Examinations of Employees Under the Americans with Disabilities Act (ADA), 27 July 2000;

f. EEOC Management Directive (MD) 715, 1 October 2003; and

5. DEFINITIONS.

a. Decision Maker (DM). The management official who will make the determination as to whether and to what extent reasonable accommodation will be effected by the involved work unit of the requesting employee in accordance with guidance found in paragraphs 6 and 7 below. A selectee will normally be received/processed by the designated selecting official or the next level of supervision in the selecting chain of command. A request for reasonable accommodations submitted by an employee will be normally received/processed by the employee's immediate supervisor or the next level of supervision in the employee's chain of command.

b. Individual With Disability Program Manager (IWDPM). The EEO Officer will select the installation IWDPM. The Garrison IWDPM will provide information, guidance and assistance to managers, employees and selectees related to EEOC guidelines regarding disabilities and reasonable accommodations.

c. Essential Functions. Those job duties that are so fundamental to the position that the individual holds or desires that he/she cannot do the job without performing them. A function can be "essential" if, among other things: the position exists specifically to perform that function; there are a limited number of other employees who could perform the function; or the function is specialized and the individual is hired based on his/her ability to perform it. Determination of the essential functions of a position must be done on a case-by-case basis so that it reflects the job as actually performed, and not simply the components of a generic position description.

d. Individual With Disability. One who

(1) has a physical or mental impairment which substantially limits one or more of the person's major life activities;

(2) has a record of such an impairment; or

(3) is regarded as having such impairment.

e. Qualified Individual with a Disability. A qualified person with a disability is an individual with a disability who is otherwise qualified or capable of doing the essential functions of a job with or without a reasonable accommodation.

f. Reasonable Accommodation. Any change in the work environment or in the way things are customarily done that would enable a qualified individual with a disability to enjoy equal employment opportunities.

g. Reassignment. Reassignment is a form of reasonable accommodation that, absent undue hardship, is provided to employees (not applicants) who, because of a disability, can no longer perform the essential functions of their job, with or without reasonable accommodation. Reassignments are made only to vacant positions and to employees who are qualified for the new position. The DM will coordinate with Civilian Personnel to ensure employee meets qualifications. If the employee is qualified for the position, he/she may be reassigned to the position non-competitively.

h. Undue Hardship. If a specific type of reasonable accommodation causes significant difficulty or expense, then the employing activities do not have to provide that particular accommodation. Determination of undue hardship is always made on a case-by-case basis, considering factors that include the nature and cost of the reasonable accommodation needed and the impact of the reasonable accommodation. Under the Rehabilitation Act, the resources of the agency as a whole (Army) and not just those of an individual office will be factors in determining whether a requested reasonable accommodation poses an undue hardship. As a result, agencies should anticipate the expenses of the reasonable accommodation and should include those expenses in their agency-wide budget planning and requests for each fiscal year. In addition, each agency is strongly encouraged to implement practices that will reduce bureaucratic barriers that could make it difficult for individual offices to provide effective accommodations.

i. Physical or Mental Impairment.

(1) To include, but not limited to any physiological disorder or condition, cosmetic, disfigurement, or anatomical loss affecting one or more of the following body systems; neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine.

(2) To include, but not limited to any mental or psychological disorder, such as mental retardation, organic brain syndrome, traumatic brain injury, emotional or mental illness, and specific learning disabilities.

j. Major Life Activities. Functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

6. RESPONSIBILITIES.

a. Requests for Reasonable Accommodation (RRA).

(1) A request for reasonable accommodation is a statement that an individual with a disability needs an adjustment or change at work, in the application process, or in a benefit or privilege of employment for a reason related to a mental or physical condition. The request can be initiated orally or in writing, or in any other format or medium that is convenient and practical for the individual with the disability. The reasonable accommodation process begins immediately in terms of the time frames indicated in these guidelines. When a request for reasonable accommodation is made, the requesting employee's immediate supervisor or next level supervisor shall immediately forward the request to the designated official or appropriate management official in the selecting official's chain of command. The selecting official will coordinate the request with the appropriate officials, as needed.

(2) RRAs do not specifically need to include the terms "reasonable accommodation," "disability," and/or "Rehabilitation Act". All requests for accommodation will be treated as RRAs so long as specific information related to disabilities and requests for accommodations is clearly stated and obvious to a REASONABLE person. RRAs will be processed if specific information related to the disability and request for accommodations are clearly stated. An individual with a disability may request a reasonable accommodation whenever he/she chooses, even if he/she has not previously disclosed the existence of a disability. A family member, health professional, or other representative may also request an accommodation on behalf of an employee/selectee.

(3) The Garrison IWDPM shall collect, maintain and safeguard all records and documents.

b. Written Requests and Request Confirmation for Record Keeping Purposes.

(1) In order to ensure there is no misunderstanding of exactly what accommodation the employee is requesting, (although RRAs may be initiated either orally or in writing by the requesting employee) the requesting employee must complete a Confirmation of Request for Reasonable Accommodation (found at appendix A). The IWDPM will maintain accurate records regarding requests for reasonable accommodation(s). As stated above employees requesting reasonable accommodations will be required to complete Appendix A, Confirmation of Request for Reasonable Accommodation Form. If an alternative format is used, the immediate supervisor will transfer the information to Appendix A. Employees/selectee(s) may obtain Appendix A from the Garrison IWDPM, selecting official, CPAC or from applicable websites.

(2) Appendix A, or in the case of a selectee, a oral request, should be completed expeditiously, but not later than 5 days after an initial oral or written request is made. In any event, the DM will continue to process the oral request and will not wait for receipt of Appendix A.

(3) Appendix A is not required for every instance that an individual needs a reasonable accommodation particularly on reoccurring request (e.g., the assistance of sign language interpreters or readers). An Appendix A is required only for the first request, although appropriate notice must be given each time the accommodation is needed. Appendix A will also be used when an employee with an accommodation needs an additional accommodation.

(4) An Appendix A Form will be safeguarded and disposed of by the Garrison IWDPM in accordance with guidance provided in the confidentiality requirements of the Rehabilitation Act.

c. Determining Which Employing Activity Official Will Process the Request. The individual with authority to approve or disapprove a reasonable accommodation request shall be the employee's immediate supervisor or next level of supervision, or in the case of a selectee, the prospective selecting official, hereafter identified as "Decision Maker (DM)." In cases where the request is submitted to someone other than the DM, the request will be forwarded to the Garrison IWDPM. The Garrison IWDPM will contact the immediate supervisor or selecting official as appropriate, to alert him/her of the receipt of a Request for Reasonable Accommodation. The person the request was referred to by the Garrison IWDPM will continue to process the request until a determination to grant or deny the request is made.

7. PROCEDURES.

a. Steps in Reasonable Accommodation Process (see explanatory information below in subparagraph b).

- (1) Employee requests for accommodation (no magic language required).
- (2) Supervisor or selecting official consults with EEO and CPAC.
- (3) Supervisor approves or discusses impairment and reasonable accommodation need and/or relationship of impairment to need with employee.
- (4) Supervisor requests reasonable medical documents, if applicable.
- (5) Supervisor consults with EEO, CPAC and/or Medical.

b. The Interactive Process.

(1) Once a request for reasonable accommodation is received, the interactive process begins in order to determine what, if any, accommodation should be provided. This means that the individual requesting the accommodation and the DM must talk to each other about the request, the process for determining whether an accommodation will be provided, and potential accommodations.

(2) Communication is a priority throughout the entire process. The DM will have the principal responsibility for identifying possible accommodations. He/she will take a proactive approach in searching out and considering possible accommodations. The employee/selectee requesting the accommodation shall also participate to the extent possible in helping to identify an effective accommodation. The IWDPM shall be available to provide assistance and help to resolve any obstacles that may arise during the process, as well as management officials or other representatives from the Occupational Medicine (OM), Employee Assistance Program (EAP) Compensation Claims Specialists, and other professionals deemed necessary, as appropriate.

(3) When a request for accommodation is made by a third party, the DM should, before proceeding, confirm with the employee with a disability that he/she wants to be accommodated. It may not be possible to confirm the request if the employee has, for example, been hospitalized in an acute condition. In this situation, the Garrison IWDPM will confirm the third party's request directly with the individual needing the accommodation as soon as it is practicable and then refer the request to the DM, who will expedite the processing of the request.

(4) Ongoing communication is particularly important where the specific limitation, problem, or barrier is unclear; where an effective accommodation is not obvious; or where the parties are considering different possible accommodations. In those cases where the disability, the need for accommodation, and the type of accommodation (which shall be provided) are clear, extensive discussions are not necessary. Nevertheless, the DM and requesting individual should talk to each other to make sure that there is a full exchange of relevant information.

(5) The DM or any other agency official who receives information in connection with a request for reasonable accommodation and have been involved in reviewing accommodation requests may share information that is confidential and connected with that request with other agency officials only when those other agency official(s) have a need to know or assist the DM in making such a determination. (See Paragraph 7e for specific rules governing the confidentiality of medical information.)

c. Reassignments.

(1) A reassignment will only be considered if no accommodations are available to enable the individual to perform the essential functions of his or her current job, or if the only effective accommodation would cause undue hardship.

(2) In considering whether there are positions available for reassignment, the DM shall work with a CPAC HR representative and the individual requesting the accommodation to identify:

(a) All vacant positions within the employing activity for which the employee or selectee is qualified, with or without reasonable accommodation; and

(b) All positions which CPAC has reason to believe will become vacant over the next 60 business days and for which the employee is qualified.

CPAC HR Specialist shall initially focus on positions which are equivalent to the employee's current job in terms of pay, status, and other relevant factors. If there is no vacant equivalent position, the DM management officials will consider vacant lower-level positions for which the individual is qualified.

(3) A reassignment can be granted as an accommodation to a qualified probationary and career employee and may be made to a vacant position outside of the employee's commuting area (if the employee is willing to relocate). As with other transfers not required by management, the employing activity will not be required to pay for the employee's relocation costs if the position is outside the commuting area. In addition, a qualified employee with a disability requesting accommodation can be offered a reassignment as a reasonable accommodation to a position for which a vacancy announcement has been published as long as a selection to fill the position has not been made.

d. Requests for Medical Information.

(1) The employing activity is entitled to know that an employee or selectee has a disability that requires an accommodation. In cases where the disability and need for accommodation is obvious or otherwise already known to the DM, the activity will not seek additional medical documentation from the requester. However, when a disability and/or need for accommodation are not obvious or otherwise already known to the DM, he/she may require reasonable documentation from the individual regarding the disability and his or her functional limitations.

(2) If the DM, with assistance from the designated agency physician or practitioner believes that medical information is necessary in order to evaluate a request for accommodation, he/she shall request such information from the

person seeking accommodation(s). If medical information is not necessary, the processing of the request for accommodation shall continue.

(3) If a determination is made to seek medical information, a request for medical and other information pertaining only to the disability that requires accommodation can be made in order to substantiate that the individual has a disability and needs the accommodation requested. The DM (with appropriate consultation), will seek information or documentation about the disability and/or functional limitations from the individual, and/or ask the individual to obtain such information from an appropriate professional, such as a doctor, social worker, or rehabilitation counselor. In order to get the most helpful information possible requests for information shall describe as a minimum, the nature of the job, the essential functions the individual is expected to perform, and any other relevant information.

(4) Once medical documentation is received, the DM, in consultation with the agency physician/practitioner if appropriate, shall evaluate it. If the information provided by the physician/practitioner (or the information volunteered by the individual requesting the accommodation) is insufficient to allow the DM after appropriate consultation to determine whether an accommodation is appropriate, the DM may ask for additional information. However, the DM shall first explain to the individual seeking the accommodation, in specific terms, why the information which has been provided is insufficient, what additional information is needed, and why it is necessary for a determination on the accommodation request.

(5) Alternatively, the individual seeking accommodation may sign a limited release which will be reviewed by appropriate legal authority to contact his/her health care provider directly. If, after a reasonable period, there is still insufficient information to demonstrate that the individual has a disability and needs an accommodation, the DM may request that the individual be examined by an agency physician at the activity's expense. The limits for processing requests for and providing reasonable accommodations should be as short as reasonably possible. The time necessary to respond to any particular request for accommodation will depend largely on the nature of that accommodation. A reassignment is likely, for example, to take longer to review and implement than a request that a desk be put on blocks. Where the requested accommodation is simple and straightforward, the agency should provide it immediately, absent undue hardship. Furthermore, the time frame should be cut down considerably where a supervisor is authorized to grant an accommodation.

(6) The individual requesting an accommodation may voluntarily provide appropriate medical information before a request is made by the DM. In such cases, the DM will consult with an agency physician and/or other practitioner to consider if such documentation meets the requirements as set forth in this procedure.

e. Confidentiality Requirements Regarding Medical Information Obtained in the Reasonable Accommodation Process.

(1) Under the Rehabilitation Act, medical information obtained in connection with a reasonable accommodation request must be kept confidential. This provides that all medical information, including information about functional limitations must be maintained in files separate from the individual's personnel file. It also provides that any agency official authorized to obtain or receive such information is strictly bound by the requirements of the Privacy Act of 1974 (5 U.S.C. 552a).

(2) The Garrison IWDP will maintain custody of all documents obtained or created during the processing of a request for reasonable accommodation, excluding medical documents and attorney work products. Medical documents shall be maintained by Occupational Medicine at the installation hospital, or clinic (MEDDAC). The Garrison IWDP is designated to respond to all requests for disclosure of records pertaining to reasonable accommodations. Information provided to authorized individuals will comply with the Privacy Act of 1974.

(3) Individuals and activities to which information may be disclosed totally or partially, includes but is not limited to the following:

(a) Supervisors and managers, including the requesting DM who requested the medical and/or non-medical information, who need to know about necessary restrictions on the work or duties of the employee and about the necessary accommodation(s):

(b) Employing agency medical personnel, in the event the individual with the disability requires emergency medical treatment and/or assistance during an evacuation.

f. Time Frame(s) for Processing Requests and Providing Reasonable Accommodation.

(1) The DM or the individual that receives a reasonable accommodation request will process the requests in accordance with the procedures described in paragraph 7 above.

(2) Expedited Processing. In certain circumstances, a request for reasonable accommodation may require an expedited review such as described below:

(a) Provide a disabled applicant with assistance in applying for vacant position(s).

(b) Enable an employee to attend a meeting whereby the employee requires a language interpreter.

(3) If a request for an accommodation requires no supporting medical information, and no extenuating circumstances apply, the request shall be processed and the DM shall make a determination and inform the individual of the decision to approve or deny the request for accommodation no later than 20 business days from the date of the initial request. If the request is approved, the DM is responsible for providing and implementing the accommodation without undue delay.

(4) If the DM determines it is necessary to obtain medical information to confirm that an employee/applicant has a disability, he/she shall expeditiously request required medical documentation. Normally, such request should be made NLT 5 business days after the initial request. Upon receipt of ALL required documentation, the DM, and after consultation with other agency officials as needed, will approve or deny the request for accommodation. The DM is responsible for immediately informing the individual of his decision. If approving the request, the DM is responsible for implementing the accommodation without undue delay.

(5) Exceptions to the 20 business days will apply in cases where medical documentation involves reassignment.

(6) Examples of reasonable accommodations that can be processed without undue delay, include:

(a) An employee/applicant with a diabetic condition requests a private area to test his/her blood sugar level and four or five breaks each day to accomplish the test.

(b) An employee/applicant requests a change in their work schedule who takes anti-depressants which make it hard for him/her to get up in time to get to the office at 8 a.m., requests that core hour requirements be modified and be allowed to start work at a later time. and still put in an 8-hour day.

(7) Extenuating Circumstances. When extenuating circumstances occurs, the time limit for processing the request and providing the accommodation will be extended. Following are examples of extenuating circumstances. This is not inclusive::

(a) Delay in evaluating and/or receiving medical information.

(b) Delay in receiving equipment purchased in accordance with instructions based on Federal Acquisition Regulations, including equipment back-order.

(c) Execution of a trial period to test the equipment to ensure the equipment is functional and appropriate for the individual's disability.

(d) Delays in obtaining engineering/architectural designs involved in installation/removal of architectural barriers.

(8) "Extenuating circumstances" is limited in application. Agency officials may not claim extenuating circumstances because of a heavy workload and staff shortages.

(9) Where extenuating circumstances are present, the DM shall notify the requesting individual of the reason for the delay, and the approximate date on which a decision or provision of the reasonable accommodation is expected. Any further developments or changes shall also be communicated promptly by the DM to the individual, including other extenuating circumstances that would modify or limit the activity's ability to provide the reasonable accommodation.

(10) If there is a delay in providing an accommodation, after approval, the DM shall determine if any temporary alternative measures are available to assist the disabled employee. Such measures may include providing a less effective form of accommodation. In addition, the DM may provide measures that are not reasonable accommodations within the meaning of the law (e.g., temporary removal of an essential function) if: they do not interfere with the operations of the activity; and the disabled employee is clearly informed he/she is being provided the accommodation on a temporary, interim basis.

(a) For example, there may be a delay in receiving adaptive equipment for an employee with a vision disability. During the delay, the DM might arrange for other employees to act as readers. This temporary measure may not be as effective as the adaptive equipment, but it will allow the employee to perform as much of the job as possible until the equipment arrives.

(b) If a delay is attributable to the need to obtain or evaluate medical documentation and the DM has not yet determined the individual is entitled to an accommodation, the official may also provide an accommodation on a temporary basis. In these situations it may be appropriate for the DM to coordinate his preliminary decision with the CPAC, Occupational Health, Staff Judge Advocate or other relevant activity personnel. In such a case, the DM will notify the individual in writing that the accommodation is being provided on a temporary basis pending a final decision on the accommodation request.

(11) DMs that approve such temporary measures are responsible for assuring that they do not take the place of a permanent accommodation and shall take all necessary steps to secure the relevant permanent accommodation(s).

g. Granting a Reasonable Accommodation Request.

(1) The DM, upon determination to grant a reasonable accommodation request will communicate his/her decision with the disabled employee/selectee immediately either orally or in writing to the employee/applicant within the time frame described in Paragraph 7f. If the DM initially communicates the determination orally, he/she must follow-up with a written record using Appendix A. The employing activity will make a determination regarding funding requirements to support the request.

(2) The Garrison EEO Office shall maintain and safeguard all records and documents in accordance with Records Management and protect the individual's privacy in accordance with the Privacy Act of 1974. Accommodation request records will be maintained for either the length of the employee's tenure with the activity or 5 years, whichever is longer.

h. Denial of a Reasonable Accommodation Request.

(1) The DM, upon determination to deny a reasonable accommodation request and after consultation with the Garrison IWDPM, will communicate the denial to the requestor (disabled individual) by completing and providing the requester a copy of Appendix C. In cases where an alternate format is appropriate, the notification shall be provided in the relevant format. The explanation for the denial shall be written in plain language, clearly stating the specific reasons for the denial. Where the DM has denied a specific requested accommodation, but offered to make an alternate accommodation, during the interactive process, Appendix C shall contain an explanation of both the reasons for the denial of the requested accommodation and the reason(s) the DM believes that the alternate accommodation will be effective. The actual notice to the individual must include, but is not limited to specific reasons for the denial, for example, why the accommodation would not be effective or why it would result in undue hardship. The stated reason(s) for the denial of a request for accommodation may include, but is not limited to the following:

The stated reason(s) for the denial of a request for accommodation may include, but is not limited to the following (keeping in mind that the actual notice to the individual must include, but is not limited to specific reasons for the denial, for example, why the accommodation would not be effective or why it would result in undue hardship):

(a) The requested accommodation would not be an effective accommodation based on medical and/or medical rationale.

(b) Requested accommodation would result in undue hardship. Before reaching this determination, the DM (with appropriate consultation), shall

determine whether other effective accommodations exist which would not impose undue hardship and therefore, can be provided. The DM when evaluating budgetary or administrative concerns to determine if undue hardship exists will follow regulatory standards in 29 CFR 1614.203(c)(3).

(c) Medical documentation is inadequate to establish that the individual has a disability and/or needs an accommodation.

(d) The requested accommodation would require the elimination of an essential function.

(e) The requested accommodation would require the lowering of a performance standard (e.g., safety, quality, reliability, etc.).

(f) The reasonable accommodation is available from a Federal Employee's insurance carrier, is otherwise required for daily life activities, or is not needed to accomplish one or more work-related activities.

(2) The notification of denial issued by the DM shall also inform the individual that he/she has the right to file an EEO complaint and the procedures available for informal dispute resolution.

(3) In accordance with 29 CFR 1614.105(a)(1), if an employee or applicant for employment believes that he/she has been discriminated against because of disability by the DM's denial of a request for accommodation, he/she may consult an EEO Counselor at the respective Garrison EEO Office within 45 days of receipt of the determination.

i. Information Tracking and Reporting.

(1) After a reasonable accommodation request is granted or denied, the DM should complete the Reasonable Accommodation Reporting Form (Appendix D).

(2) The IWDPM will prepare and submit annual reports to activities serviced by the Garrison EEO Office containing the following information presented in the aggregate:

(a) The number of accommodations (by type) that have been requested in the application process and whether those requests have been granted or denied.

(b) The number of accommodations (by job type) requested by employees/selectees.

(c) The number of accommodations approved (by job type) and the number of accommodations (by type) that have been denied.

(d) The number of requests that required additional medical information after initial submission.

(e) Reason(s) for denial.

(f) Number and types of accommodations requested related to privileges of employment.

(g) Amount of time (in days) taken to process requests.

(h) Sources of technical assistance consulted.

(3) In addition, the report shall provide a qualitative assessment of the reasonable accommodation program, including any recommendations for improvement of reasonable accommodation policies and procedures.

j. Relation of Procedures to Statutory and Collective Bargaining Claims.

(1) This guidance is in addition to statutory and collective bargaining protections for persons with disabilities and the remedies they provide for the denial of requests for reasonable accommodation. Requirements governing the initiation of statutory and collective bargaining claims, including time frames for filing such claims, remain unchanged.

(2) An individual who chooses to pursue statutory anti-discrimination remedies for denial of reasonable accommodation shall contact an EEO official at the Garrison EEO Office within 45 calendar days from the date of receipt of the written notice of denial.

(3) Individuals, including EEO Specialists and Counselors who have served as an EEO Advisor regarding a particular request for reasonable accommodations, shall recuse themselves from engaging in EEO counseling or complaint processing in connection with the specific request.

k. Inquiries. Individuals serviced by the Garrison EEO Office seeking further information concerning the disability program should contact the Garrison IWDP.

I. Distribution. These procedures shall be available to all serviced employees upon issuance by electronic posting in applicable Online Directive Information System. Additional information regarding reasonable accommodation matters can be obtained by accessing the U.S. Equal Employment Opportunity Commission's web site: (www.eeoc.gov).


DAVID D. TINDOLL, JR.
Director

OFFICIAL:

MAURICE BUCHANAN
Chief of Staff

ATTACHMENT A

**CONFIRMATION OF REQUEST
FOR REASONABLE ACCOMMODATION**

PRIVACY ACT STATEMENT

The Army is authorized to collect this information by Section 501 of the Rehabilitation Act of 1973, 29 USC 791. The information provided by you will be used primarily to facilitate the processing of your request. Furnishing of the requested information and documentation is voluntary. However, failure to fully complete this form or provide the necessary information may result in either a delay of the needed accommodation or the denial of your request.

1.

Applicant's or Employee's Name _____

Applicant's or Employee's Tel. No. _____

Today's Date: _____

Employee's Office and Bldg _____

Date of Request: _____

2. ACCOMMODATION REQUESTED. *(Be as specific as possible, e.g., adaptive equipment, reader, interpreter)*

3. REASON FOR REQUEST.

If accommodation is time sensitive, please explain:

Return Form to IWD Program Manager, or EEO Office Staff

(Disability Program Manager will assign number)

4. Log No.: _____

APPENDIX B

MEDICAL DOCUMENTATION

Medical documentation means a statement from a licensed physician or other appropriate practitioner that provides information the Agency considers necessary to enable it to make an employment decision. To be acceptable, the diagnosis or clinical impression must be justified according to established diagnostic criteria and the conclusions and recommendations must not be inconsistent with generally accepted professional standards. Sufficient supporting medical documentation must include the following information:

- a. The history of the medical condition, including references to findings from previous examinations;
- b. Clinical findings from the most recent medical evaluation, including any of the following which have been obtained: findings of physical examinations; results of laboratory tests; X-rays; EKG's and other special evaluations or diagnostic procedures; and in the case of psychiatric evaluation or psychological assessment, the findings of a mental status examination and the results of psychological tests, if appropriate;
- c. Diagnosis, including the current clinical status;
- d. Prognosis, including plans for future treatment and an estimate of the expected date of full or partial recovery;
- e. An explanation of the impact of the medical condition on overall health and activities, including the basis for any conclusion that restrictions or accommodations are or are not warranted, and if they are warranted, an explanation of their therapeutic or risk avoiding value;
- f. An explanation of the medical basis for any conclusion indicating the likelihood that the individual is or is not expected to suffer sudden or subtle incapacitation by carrying out, with or without accommodation, the tasks or duties of a specific position (a description of the job position description should be attached for review);
- g. Narrative explanation of the medical basis for any conclusion that the medical condition has or has not become static or well stabilized and the likelihood that the individual may experience sudden or subtle incapacitation as a result of the medical condition. In this context, a "static or well-stabilized medical condition" means that the condition is not likely to change as a consequence of the natural progression of the condition, specifically as a result of the normal aging process, or in response to the work environment or the work itself. "Subtle incapacitation" means gradual, initially imperceptible impairment of physical or mental function whether reversible or not which is likely to result in performance deficiencies.

In addition, the documentation must be on letterhead identifying the name and contact number for the physician supplying the information. If medical documentation provided by the employee or his/her representative does not clearly explain the nature of the disability or the need for an accommodation, supplemental medical information may be requested and/or the information may be reviewed by a medical expert chosen by the Occupational Medicine Physician.

ATTACHMENT C
DENIAL OF REASONABLE ACCOMMODATION REQUEST

1. Name of individual requesting reasonable accommodation: _____
2. Type(s) of reasonable accommodation requested: _____
3. Request for reasonable accommodation denied because (may check more than one box):
 - ☐ Accommodation Ineffective
 - ☐ Accommodation Would Cause Undue Hardship
 - ☐ Medical Documentation Inadequate
 - ☐ Accommodation Would Require Removal of an Essential Function
 - ☐ Accommodation Would Require Lowering of Performance or Production Standard
 - ☐ Other (Please identify) _____
4. Detailed Reason(s) for the denial of reasonable accommodation (Must be specific, e.g., why accommodation is ineffective or causes undue hardship):

If the individual proposed one type of reasonable accommodation which is being denied, but rejected an offer of a different type of reasonable accommodation, explain both the reasons for denial of the requested accommodation and why you believe the chosen accommodation would be effective.

If an individual wishes to request reconsideration of this decision, he/she may take the following steps:

[Outline reconsideration steps in agency procedures, e.g.:

- o *First, ask the decision maker to reconsider his/her denial. Additional information may be presented to support this request.*
- o *If the decision maker does not reverse the denial.*

Page 1 of 2

ATTACHMENT C
DENIAL OF REASONABLE ACCOMMODATION REQUEST

- *and the decision maker was the individual's supervisor, the individual can ask the next level of supervision in individual's chain of command,*
- 5. If a federal employee or selectee wishes to file an EEO complaint or pursue MSPB and union grievance procedures, he/she must take the following steps:
 - For an EEO complaint pursuant to 29 C.F.R. 1614, contact an EEO counselor in the Garrison EEO Office *within 45 days from the date of this notice of denial of reasonable accommodation*; or
 - For a collective bargaining claim, file a written grievance in accordance with the provisions of the Collective Bargaining Agreement; or
 - Initiate an appeal to the Merit Systems Protection Board *within 30 days of an appealable adverse action* as defined in 5 C.F.R. § 1201.3.

Name of Deciding Official:

Signature of Deciding Official:

Date reasonable accommodation denied:

APPENDIX D **REASONABLE**
ACCOMMODATION INFORMATION REPORTING FORM
 (To be completed by the manager or other official who processed the accommodation request)

1. Reasonable accommodation: (check one)
 ☐ Approved
 ☐ Denied (If denied, attach copy of the written denial letter/memo that was sent to individual)
2. Date reasonable accommodation requested:

 Who received request: _____
3. Date reasonable accommodation request referred to decision maker (i.e., supervisor, Office Director, Disability Program Manager, Personnel Management Specialist):

 Name of decision maker: _____
4. Date reasonable accommodation approved or denied:
5. Date reasonable accommodation provided (if different from date approved):
6. If time frames outlined in the Reasonable Accommodation Procedures were not met, please explain why.
7. Job held or desired by individual requesting reasonable accommodation (including occupational series, grade level, and office):
8. Reasonable accommodation needed for: (check one)
 ☐ Application Process
 ☐ Performing Job Functions or Accessing the Work Environment
 ☐ Accessing a Benefit or Privilege of Employment (e.g., attending a training program or social event)
9. Type(s) of reasonable accommodation requested (e.g., adaptive equipment, staff assistant, removal of architectural barrier):
- 10.

Page 1 of 2

APPENDIX D
REASONABLE
ACCOMMODATION INFORMATION REPORTING FORM
(to be completed by the manager or other official who processed the accommodation request)

11. Type(s) of reasonable accommodation provided (if different from what was requested):

12. Was medical information required to process this request? If yes, explain why.

13. Sources of technical assistance, if any, consulted in trying to identify possible reasonable accommodations (e.g., Job Accommodation Network, disability organization, Disability Program Manager):

14. Comments:

Submitted by:

Organization and Bldg:

Telephone Number:

Processing Request for Reasonable Accommodation (Long-Term Accommodations)

1. Employee requests medical accommodations or indicate he/she is unable to perform essential duties of position due to a medical condition.
2. For record purposes: Supervisor requests employee to complete Request for Accommodation Form (Appendix A). Forwards copy to EEO.
3. For record purposes: Supervisor collects information noted on Reasonable Accommodation Checklist – Appendix B. Forwards copy to EEO.
4. Management, employee, and CPAC works together to obtain appropriate medical documents.
5. Management, employee, and CPAC submits appropriate documents to Occupational Health.
6. Occupational Health makes medical accommodation recommendation.
7. Management makes determination as to whether reasonable accommodation can be made.
8. If yes, management implements and informs EEO.
9. In no, management coordinates with CPAC and informs EEO.

